
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JERRY BANKS,

Plaintiff,

versus

SHERIFF MITCH WOODS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:06-CV-704

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Jerry Banks, formerly an inmate confined at the Jefferson County Correctional Facility, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends that the defendants' motion to dismiss be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. It is therefore

ORDERED that the defendants' motion to dismiss is **GRANTED**. This action is dismissed for want of prosecution. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Sherman, Texas, this 8th day of September, 2009.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE